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THE TABLET.

No. XC.

"Legiſlators by overlooking facts, ſometimes trouble themſelves to ſettle principles, when there is no occaſion for them."

THE firſt object to be regarded in the examination of a practical ſubject, is to aſcertain all the facts which relate to it. If this rule were ſtrictly obſerved, many of the debates which take place in public aſſemblies would be avoided. There is no error to which men are more liable, than taking things for granted, which are not true. Miſtakes of this kind expoſe people to much painful reflection, and produce a warmth and altercation of debate to no uſeful purpoſe. Why ſhould one perplex himſelf to aſſign a cauſe for an effect which exiſts only in imagination? why ſhould we attempt to apply a remedy to an evil, before we examine the facts, and determine whether the evil we propoſe to redreſs, has any exiſtence. A man muſt feel in an aukward ſituation, who having employed ſeveral days in the diſcuſſion of principles, ſhould find that the caſe, to which he meant to apply them, was merely a creature of fiction.

I can better illuſtrate my ideas by a ſpecific example, than by general reflections. The very important queſtion diſcuſſed in a reſpectable aſſembly is not remote from the purpoſe. I allude to the diſcuſſion relative to a diſcrimination between *original* and *purchaſing* holders of public certificates. It does not come within the deſign of my ſpeculations to enter into political diſputes, and I ſhall wave a conſideration of the principles that were adduced, in ſupport of either ſide of the queſtion. The debates on the occaſion diſcovered good talents at inveſtigation. The remarks were judicious, and the reaſoning ingenious. But it was evident that the ſpeakers were not generally acquainted with thoſe facts that were the ground work of the whole buſineſs.

The point to be determined was, whether original creditors had any demand in juſtice for the indemnification of the loſſes incurred by the transfer of their certificates. It was pretended that the aſſignee ought to relinquiſh part of the ſum expreſſed on the face of the certificate, for the benefit of the original holder. A compromiſe, it was urged, ought to be made between them, and the property divided. This pretence was founded on two premiſes, which many of the ſpeakers conceived to be facts, without any enquiry into the matter.

One of theſe ſuppoſed facts is, that original holders have generally ſold their ſecurities at about one eighth part of their nominal value.

The other is, that they were compelled by neceſſity thus to diſpoſe of their ſecurities.

Few of the ſpeakers, in the examination of the ſubject, expreſſed any doubt of the propriety of taking theſe ſuppoſitions for undiſputed facts. By a miſconception of the real ſtate of the caſe, there was a moſt anxious effort to reconcile a difference of opinion, which would not have exiſted at all, had the facts been previouſly examined.

It may be proper in the firſt place to enquire who have been the principal loſers by the fluctuating price of public ſecurities.

And, ſecondly what were the cauſes that generally induced original creditors to transfer their certificates.

To the firſt of theſe points, I reply that if the government pays the poſſeſſor of a certificate, the amount expreſſed on the face of it, no *claſs* of creditors will ſuffer an undue proportion of loſs. In ſuch a deciſion all the creditors whether real or imaginary ſhould be put into claſſes, and an opinion formed upon an aggregate view of each claſs. Some individuals in each diviſion will no doubt be found to have been diſtinguiſhed ſufferers; but I believe if the loſſes are fairly ſtated among the ſeveral claſſes, the difference will be too little to agitate the public mind with deviſing a mode of redreſs. For ſetting aſide the queſtion of the juſtice or injuſtice of an interference of the government, the caſes of real injury are too few to conſtitute any claims for general remedy. It is not probable that a twentieth part of the domeſtic debt is held under ſuch circumſtances as to render it a doubt, viewed either on principles of juſtice, or ſentiments of generoſity, whether any perſons, but the preſent holders, ſhould receive the payment.

It admits of a tolerable degree of demonſtration, that the original creditors, who have alienated their ſecurities, have ſold them on an average of twelve ſhillings and ſix pence on the pound. As they have a long time had the benefit of the money, their ſituation is not leſs favorable than the preſent holders. It will here be obſerved, that many perſons have in fact ſold ſecurities at two ſhillings and ſix pence on the pound; and it may be aſked what deſcription of perſons ſold at this low rate. This point is eaſily made clear. It ſhould firſt be underſtood that not more than a tenth part of the domeſtic debt was in circulation, at the low ſtages of depreciation. Thoſe who ſold at the loweſt ebb of ſtocks, and ſuſtained the principal loſs, were generally *early purchaſers* and not *original holders*.

(To be continued.)

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, FEBRUARY 15.

(CONTINUED.)

IN Committee of the whole on the report of the Secretary of treaſury. Mr. Madiſon's motion for a diſcrimination under conſideration.

Mr. Lawrance obſerved, that the propoſition of Mr. Madiſon derived force from the talents and knowledge of that gentleman in public tranſactions; but that, on examination, it would be found to contain doctrines very repugnant to the intereſt and proſperity of the union.

Mr. Lawrance ſtated, that the debts contracted by the United States were for loans of money, ſupplies of articles neceſſary for the public wants, and for actual ſervice rendered in different employments. Theſe debts were ultimately adjuſted and reduced to their preſent transferable form. Every part of the contract was eſſential to it: The negociation was a material part, and the nature of the contract was frequently recognized by the late government. That in 1783, Congreſs recommended certain funds to be eſtabliſhed to pay the intereſt and put the principle in a courſe of diſcharge. This recommendation was unequivocal, as to the nature of it, and made no diſcrimination between the poſſeſſor and the original holder. The ſubſequent conduct of that body was conformable to this recommendation. They annually called on the States to furniſh money to pay the intereſt, without diſcriminating between the original holder and preſent poſſeſſor. They paid intereſt on the ſecurities, without making any diſcrimination. Proviſion has been made for holders of loan-office certificates, that were ſubject to liquidation, to have them cancelled and others iſſued for the ſpecie value. And the holders of certificates were enabled to have them regiſtered to guard againſt accidents; & no diſtinction was made between the original holder and the alienee. The transferable nature of the claim was for the benefit of the creditor, becauſe it gave it an active value. He conſented to take it, and conſulted his own advantage. The conduct of the late Congreſs, ſince the war, has been uniform in the ſupport of this contract, and they have done no act to impair its obligation according to the terms of it. This contract is valid againſt the government; for, notwithſtanding the truth of Mr. Madiſon's obſervation, that the nation was the ſame tho the bodies that adminiſtered the government were different—there is yet a far greater ſecurity; and to remove all doubt, a clauſe is inſerted in the conſtitution, that made all debts and engagements, valid againſt the United States under the late general government, valid againſt the preſent.

Mr Lawrance further obſerved, that this contract having deſcended upon the government, there is no right in the legiſlature to impair the force of it. The particular governments are reſtrained from paſſing laws impairing the obligations of contract. This interference would be a violation of the contract between the individuals when the certificates were transferred; and it will not be pretended that the States are prohibited, and the general government has power to do it.

Mr. Lawrance adverted to the principles of Mr. Madiſon, to reſt the obligation of the public on the original holder; and obſerved that the ſame principles are in favor of the preſent poſſeſſor. That public juſtice requires a performance of contracts, when there is no fraud on the part of the holder. The poſſeſſor has been guilty of no fraud, no deception: the contract between him and the original holder was fair, and a hazard and riſk attended the purchaſe adequate to the advantage; and nothing ſhort of a revolution in government could have produced payment. If there was an impoſition, the public occaſioned it; and, between the original holder and the public, there might be a claim for retribution. Public faith is as ſacredly pledged to the bearer, or preſent poſſeſſor, as to the original creditor. Public credit reſults from fair and upright conduct; and the government, to ſupport it, muſt perform its contracts. This is a contract recognized by them, and as ſuch ſhould be diſcharged. The ſituation we have been in made it proper for us to be cautious on this ſubject; and even at preſent people doubt our diſpoſition to eſtabliſh our credit. This would give a fatal blow to it. Much has been ſaid about public opinion. Public opinion is difficult to be aſcertained; gentlemen have different modes to determine it. He ſuppoſed it was better aſcertained by the acts of public bodies, than by ſquibs in the newſpapers, or by a pamphlet written by any individual. The uniform conduct of men, deputed by the particular States to repreſent them in the late general government, was a ſtandard; and their opinion, from 1783, was in favor of the preſent poſſeſſor. The conduct of the particular States is another circumſtance: I do not know of any diſcrimination made by them, tho it has been attempted: The general opinion of men of property is againſt it; and theſe ſources of public opinion are moſt certain and unequivocal.

Mr. Lawrance further obſerved, that altho he believed Mr. Madiſon ſuppoſed no advantage would be derived to the United States, from this diſcrimination, yet much would ariſe. Part of the army had been compoſed of foreigners; many had left the country, others are dead and their relatives; all their part would be unclaimed. That certificates were iſſued to public officers to a great amount, and were paid by them to perſons from whom they purchaſed. The difficulty of making proof of the original creditor will be great; and from this circumſtance great ſums would be gained to the public. There are perſons enough who would have ſagacity to diſcern this; and they would doubt the purity of the public motive ſhould the Gentleman's plan be adopted.

Mr. Lawrance adverted to the circumſtance of the new creditor receiving paper: that this paper might be ſubject to another liquidation on the ſame principle as the preſent. That it would introduce doubt and diſtruſt of public engagements; and there would be no greater ſecurity, although a fund was pledged, than there is at preſent; for whenever the public pleaſed, they might deſtroy the obligation.

Mr. Lawrance obſerved, that arguments were improperly addreſſed to their feelings; but that however hard it may be for the original creditor, who had parted with his certificates, to contribute to pay the debt; yet it would be aqually hard on him who had been injured by continental money, who had been plundered by the enemy, who had his property burned by them in the courſe of the war; and inſtances of this kinds were numerous.

Mr. Lawrance adverted to the doctrine of the high court of equity; and urged that this court muſt be governed by principle. Was the committee this high court, and the United States' original creditor and preſent poſſeſſor before them; If there appeared no fraud on the part of the poſſeſſor, the original creditor would have no juſt claim on him. Between the United States and original creditors, the United States were in fault; and the claim, if good would be againſt them.

Mr. Lawrance alſo noticed the reſolution of Congreſs of 10th April, 1780, relative to the depreciation of pay to the army; and declared that this was limitted to perſons then in ſervice: thoſe who had left it, even the day before, had not this juſtice done them: But this caſe was between the United States, and the perſons rendering them ſervice. The act did not affect third perſons; it did not take from one and give to another, as the preſent meaſure propoſes and was therefore diſſimilar.

Mr. Lawrance further obſerved, that his objection to the amendment was on the ground of the contract; yet he would mention ſome inſtances to ſhew the impracticability of the ſcheme. In many caſes a State has ſold lands, for low value in theſe certificates. By the law of this State, creditors reſiding within the Britiſh lines during the war, had received by law theſe certificates, at their nominal value, from their debtors. Britiſh and domeſtic creditore have received from their debtors large ſums at their nominal value. Foreigners are poſſeſſed of large ſums of the regiſtered debts, in their names, for alienated certificates. Theſe and many other inſtances which might be mentioned, will ſhew the difficulty of deviſing a ſcheme, with the checks and exceptions that would be proper to render it in any manner feaſible. It has been objected to the Secretary's report, that it propoſes a reduction of intereſt. He obſerved, that there is a material difference in a plan that made the conſent of the creditor neceſſary, and one that reduces his capital without his conſent. This part is not now under conſideration; but the ſcheme of the gentleman from Virginia will add a conſiderable ſum to the proviſion propoſed by the Secretary, from the increaſed intereſt to be provided for, and the additional number of officers to be appointed to carry his plan into execution.

Mr. Lawrance obſerved, that he was ſtill open to conviction; but that he was, at the time of ſpeaking, againſt Mr. Madiſon's propoſition.

Mr. Smith (S. C.) next roſe and remarked, that it was neceſſary and proper the houſe ſhould give the ſubject the moſt ample diſcuſſion. The queſtion had long agitated the public mind, and the people ſhould know that it had occupied the ſerious attention of their repreſentatives, and be made acquainted with the principles of their deciſion. For his part, having beſtowed on it the moſt attentive conſideration, he could aſſert, that the more he contemplated it the more he was impreſſed with a conviction that the propoſition was unjuſt, impolitic and impracticable. It conſiſted of two parts: the one was to take away the property of one perſon; the other was to give that property to another: and this by a voluntary interpoſition of the houſe, by a mere act of power, without the aſſent of the former, or without even the application of the latter; for it was remarkable that the original holders, who had alienated their certificates, had not come forward with this demand; and it is preſumable that, had they applied for redreſs, they would reject any indemnification which was the reſult of ſuch manifeſt injuſtice. To prove that this was taking away the property of a citizen by force, he obſerved, that the purchaſer had, by a fair purchaſe, acquired a right to a full amount of the ſum expreſſed in the certificate, which it was not within the power of the houſe to diveſt him of. No tribunal on earth could lawfully deprive a man of his property, fairly obtained. The purchaſer bought under the act of Congreſs making the ſecurities transferable; and having given the market price, without fraud or impoſition, he was by virtue of ſuch purchaſe veſted with the complete and abſolute ownerſhip of the certificate, as fully as the original holder; and had as much right to demand full payment as the original holder would have had, had the ſecurity been ſtill in his hands. Even ſhould the houſe refuſe, by an act of power, to pay him more than half, his demand for the other half would ſtill remain againſt the public; it could not be extinguiſhed; the debt would continue to haunt them; the creditors would loudly clamour for juſtice, and ſooner or later the balance would be paid. Then would they incur all the odium of a violation of private rights, without deriving to the public any advantage whatever. He conſidered the meaſure as doing a certain evil that a poſſible good might reſult from it: this was not, in his opinion, the pro- the proper mode of doing good. Juſtice cannot be founded on injuſtice; and to take money out of the pocket of one man to put it into that of another, is a precedent which may juſtify future interferences. This ſtep would lead the houſe to others: for if the principle be a juſt one, then the government ſhould look into all the tranſactions and ſpeculations of individuals, in order to correct them, and make retribution to every individual according to his loſſes. He was perſuaded that the true policy of a legiſlative body, was to purſue the broad road of juſtice clearly marked out before them; for it was an undeniable truth, that whenever they deviated into theſe by-roads and trackleſs paths, without any other guide than their own imaginations, they would get bewildered in a labyrinth of difficulties, and rejoice to trace back their ſteps and regain the plain road. Now the plain line of conduct was, to do ſtrict juſtice, ſuch as is inforced in judicial tribunals between man and man in a ſimilar caſe. The debtor is bound to pay the debt to the holder of the ſecurity; the contract, between the giver of the bond and the perſon to whom it was given, is done away the moment the latter aſſigns it to another perſon. If A. gives a bond to B. who parts with it to C. there is no longer any obligation on the part of A. to pay to B. but he muſt pay it to C. A. has nothing to do with the private negociations between B. and C. nor to inquire what conſideration was given for the ſecurity. All that he has to enquire is, whether he really ſigned it and had value received for it and the amount of it: he cannot ſay to the holder, you gave but 50 dollars for this ſecurity of 100, and I will pay you only 50; for the law will compel him to pay the 100. This is law and juſtice between man and man: is there another ſort of law and juſtice for the government? By what rule is the government to ſquare its conduct, if not by thoſe ſacred rules which form the baſis of civil ſociety, and are the ſafeguard of private property?

Theſe obſervations fully refute the remarks of the gentlemen from Virginia, that the orginal holders ſtill have a claim on the government, notwithſtanding they have transfered their ſecurities; and that in caſes of individuals bearing an analogy to the preſent, a court of equity would interpoſe and give redreſs. The direct contrary was the fact; there never was an inſtance of a court of equity aſſuming ſuch power. In caſes of bankruptcy, which are under the ſuperintendance of courts of chancery, the debts of the bankrupt are paid in equal proportions to all the creditors, whether original holders or aſſignees, and the court never enquires into the terms of the alienation. It cannot be ſaid that the original holder has any claim of juſtice on the government; his claim muſt be addreſſed to our humanity; but the Houſe have no authority to gratify their humane inclinations at the expence of juſtice, and by a ſacrifice of private rights. If the project was unjuſt in itſelf, the application of the property to relieve the diſtreſſes of the original holder cannot change its nature; it muſt ſtill be unjuſt; the mode of appropriation cannot alter the rectitude or turpitude of the meaſure. If therefore Congreſs have the right to take away the property of the preſent holders, they may apply the ſavings to public purpoſes; and what appearance would ſuch a ſcheme have to the world? Would it not ruin forever our national character?

The gentleman from Virginia had ſaid, that juſtice and good faith were the ſubſtratum of public credit: but he was perſuaded that the juſtice and good faith held out by this plan, would be a ſubſtratum of ſand, a foundation too weak to ſupport our public credit, which would ſoon crumble to pieces. If the object of the gentleman be to afford relief to the diſtreſſed, without impairing legal rights, let enquiry be made into the caſes of thoſe original holders who ſold from abſolute diſtreſs—let thoſe caſes be ſelected and brought forward, and he would yield to no member in his alacrity to give them every adequate compenſation, and to indemnify them for their ſufferings;—but he could not aſſent to a propoſition which blended together the caſes of all the original holders, and gave them the property of others. That there were various claſſes of original holders; ſome had ſold for purpoſes of ſpeculation or trade; and had probably made good bargains, and were now in a better plight than if they had ſtill retained their ſecurities; others got rid of their ſecurities becauſe they had no confidence in the government: theſe the public are not bound to indemnify; this plan would place them on a better footing than thoſe who having confidence in the general government had, notwithſtanding their diſtreſſes, kept their ſecurities; for ſuppoſing the former ſold eight years ago for 4s. in the pound, it was not improbable they had by this time doubled their money, and in addition to that they were to get 10. which would give them 18s. whereas the latter would be able to ſell their ſecurities at the market for 15 or 16s. after they were funded. Some had exchanged their ſecurities for bonds of individuals, of which the real value cannot be aſcertained, or for land or other property, which may have riſen conſiderably in value. Some preſent holders have received their ſecurities by way of legacy—Are theſe to have one half taken off?—is their patrimonial eſtate to be torn from them? Had their parent been ſtill living, he would receive 20s. in the pound, but the circumſtance of his death is to ſtrip the child of one half.

The gentleman from Virginia had ſaid, that giving the preſent holders, by alienation, the higheſt market price, would be doing them ample juſtice; but did the public mean to defraud them the

money they had actually advanced? No—they were to receive this ample juſtice by a bit of paper nominally for 10s. but which this very meaſure would inſtantly depreciate to 8s. or 6s. They would have this conſolation, that, according to the gentleman's reaſoning, they would ſtill have a claim againſt the government for the ballance; for if the original holder, by ſelling his certificate for 4s. has now a juſt claim againſt the government for the balance of 16s. which it is aſſerted he has, of courſe the alienee, to whom the public ſhould now acknowledge a debt of 10s. which he ſhould ſell for only 6s. would hereafter have a juſt demand againſt the public for 4s. This reaſoning might be carried further, for it would follow that whenever the public ſhall pay in paper which ſhall depreciate, the ſeller will have a demand againſt the government for the difference.

From the diſtance of time at which theſe ſecurities were iſſued, it may be reaſonably ſuppoſed that many of the original holders are now dead: the average life of man is eſtimated at ſeven years, according to the moſt accurate calculation on inſurance of lives. Some of them are diſperſed in foreign countries, or ſettled in the weſtern territory; and it would be right before the Houſe took ſuch a ſtep as this, to underſtand clearly to what amount theſe alienations had been made; at preſent they were uninformed on the ſubject, and had no documents before them. If theſe alienations were inconſiderable, this project would be dangerous, even admitting its juſtice. Hiſtory affords no precedent for the meaſure. The gentleman from Virginia, whoſe induſtry was equal to his ability, would have produced ſome ſimilar caſe, had any exiſted. The South-Sea ſcheme was totally inapplicable: there the directors of the company having been guilty of the moſt enormous frands and villainous practices, the government confiſcated their eſtates and beſtowed them on the company which they had been the means of ruining, inſtead of promoting their intereſts of which they had been appointed the guardians. Were the purchaſers of ſecurities chargeable with any crimes for which they merited confiſcation? Were they appointed by law the guardians of the property of the original holders?

Nor was the other inſtance, reſpecting the depreciation of pay made good to the officers during the war, more in point, for there the public paid them with the public money, and not with that of individuals.

The conſtitution itſelf, he ſaid, was oppoſed to the meaſure, for it was an ex poſt facto law, which was prohibited in expreſs terms. The transferance of public ſecurities was lawful at the time theſe alienations were made; an attempt therefore to puniſh the transferrees, is an attempt to make an ex poſt facto law, by making that now unlawful which was lawful at the time it was done; it alters the nature of the tranſaction, and annexes the idea of guilt to that which, at the moment of commiſſion, was not only perfectly innocent, but was explicitly authoriſed and encouraged by a public act of Congreſs. By that act thoſe who had money were invited to purchaſe of thoſe who held ſecurities; and now they were called upon to puniſh the purchaſers who bought under that invitation. The conſtitution reſtrains the ſtates from paſſing any laws impairing the force of contracts: *a fortiori*, is the legiſlature of the union reſtrained. What an example to hold up to the judiciary of the United States! How could they annul a ſtate law, when the ſtate would be able to plead a precedent on the part of Congreſs; The right of property was a ſacred right; no tribunal on earth, nor even legiſlative body, could deprive a citizen of his property, unleſs for a fair equivalent, for the public welfare. The purchaſer was veſted, by the ſale, with an abſolute right to the full amount of the ſecurity, and it was beyond their authority to diveſt him of it. They might, indeed, by an act of power, declare that he ſhould be paid only half; but his right to the other moiety would not be extinguiſhed. It had been ſaid that the original holder ſtill had a claim againſt the public, becauſe he had received only 2s. 6d. for ſervices worth 20s. On the ſame principle, and with more juſtice, the preſent holder would ſtill have a claim for 10s. becauſe he has the public bonds for 20s. No ingenuity can overcome theſe ſtubborn principles of law and juſtice; they are immutable and muſt ultimately prevail. The houſe had been told, that if the government had defrauded the original holders out of their dues, it was fit the public ſhould rectify the fraud: the former government was not deficient in inclination to do them ample juſtice, but from the imbecility of the confederation had not the means. In thoſe days of democratic enthuſiaſm, the people were afraid of an energetic government: having ſo recently experienced the ſeverity of their former one, the citizens of theſe ſtates were cautious in truſting any government with power; and it is not improbable, that ſome of the original holders, who ſuffered theſe embarraſſments from the want of a government competent to the payment of its debts, would themſelves have oppoſed the veſting Congreſs with powers adequate to this object. Even the preſent conſtitution, which is a mild one, met with conſiderable oppoſition: had it been rejected, the public ſecurities would have never been paid.

Public opinion had been mentioned, as favoring the plan: nothing was ſo difficult to attain, as a knowledge of public opinion; but as far as he had been able to collect the public opinion, it was againſt the meaſure. Publications in newſpapers appeared indeed on both ſides, but a greater number againſt it. The legiſlature of his ſtate had ſtrongly expreſſed their ſentiments, by rejecting almoſt unamiouſly a ſimilar project; and in ſociety he had met with but few advocates for it.

Tho it had been admitted that no inſtance of a ſimilar nature had ever exiſted in other countries, yet it was aſſerted that this was becauſe the depreciation of public ſecurities in Europe bore no compariſon with thoſe in the United States. The ſecurities in England had fallen to 70 per cent. without occaſioning an interpoſition of the government, and there was no reaſon to aſſert, that a greater depreciation would have induced an interference; if the meaſure was unjuſt in the one caſe it was equally ſo in the other; the increaſed rate of depreciation could not juſtify it; for where would it ceaſe to be unjuſt and begin to be juſt? What is the preciſe point of depreciation at which the government could be warranted in ſtepping in and depriving the holders of their rights? Right and wrong cannot depend on the amendment of depreciation; they are fixed principles which cannot fluctuate.

The hardſhip of requiring thoſe who have loſt four ſixths of their due to contribute to the payment of taxes has been noticed When they ſold their certificates they thought that the perſon to whom they ſold would one day or other receive ſomthing for it; and they knew that he could receive nothing unleſs the debt were funded, and that in ſuch caſe they would be compelled to contribute their proportion of taxes. If they, on the other hand, were impreſſed with the idea that the purchaſer would never be paid, then the bargin was not a fair one on their part, for they took the purchaſer's money and gave him what in their belief was not equivalent.

The impolicy of the meaſure is evident, becauſe it will check the negociability of public ſecurities; will enhance the terms of future loans, and injure the public credit. Public debts were ſaid by ſome to be public benefits; doubtful as this doctrine may be, it is acknowledged univerſally that without a negociable quality, inſtead of being of any utility, they would be a moſt grievous burden to the community. Who would purchaſe when he had before his eyes the terrors of a diſcrimination; a future occaſion may ariſe, when, from the expences of a war or other emergency, a ſimilar attack might well be apprehended. Purhaſers therefore will be rare, and the riſk they will run reſtrain them from giving the full value of the public ſecurities. This will operate then as a conſiderable injury to the original holders who never alienated their certificates, and who ought not to be involved in the pernicious conſequences of this meaſure. With reſpect to impracticability it was not the ſtrongeſt objection with him, becauſe if he were perſuaded that it was both juſt aud politic, he would go every length in endeavouring to accompliſh it; but, even on this head, difficulties innumerable appeared. Some which were unanſwerable had been mentioned, and it had been clearly ſhewn, that it was abſolutely impoſſible to trace the original holders. He had choſen to combat the meaſure on its principle, becauſe he thought it was not a juſt one, and the eſtabliſhment of it might lead hereafter to future interferences and unhappy conſequences.

It was the wiſeſt policy of governments to adhere ſtrictly to their plighted faith, when it was in their power to do ſo, even ſhould ſuch ſtrict adherence work an injury to ſome part of the community: this was the practice with nations in the caſe of a treaty, which, when made by competent authority, they conſidered themſelves bound to obſerve, although they deemed it diſadvantageous to them, at leaſt a refuſal ſhould deter other nations from treating with them in future; it is by this line of conduct that public credit can alone be ſupported. Whatever may be the merits of the alienors, or the ſpeculations of the alienees of public ſecurities, it was not the buſineſs of government to interpoſe; there are the contracts—they muſt be paid as far as the public reſources will extend. The claim of thoſe unfortunate creditors whoſe diſtreſs drove them to the neceſſity of ſacrificing their certificates, was a claim on the humanity of Congreſs; and he ſhould not be oppoſed to giving them relief, provided the funds were taken out of the public treaſury, and not in the manner propoſed. In whatever light he viewed the project under conſideration, he felt a ſtrong conviction that it was ſuch a one as ought to be rejected.

Mr. Ames agreed with Mr. Madiſon in regard to the validity of the debt. There was propriety in ſaying the nation is the ſame, tho the government is changed. The debt is the price of our liberties, and cannot be diminiſhed a farthing the gentleman ſays—and why—becauſe the government, as one of the contracting parties cannot annul, or vary the bargain, without the conſent of the other. If the meaſure propoſed by that gentleman correſponds with that ſound principle, he ſhould have the pleaſure of agreeing with him on the ultimate deciſion—but if the meaſure ſhould be found, on a fair diſcuſſion, to be ſubverſive of that principle, it would not merit the countenance of the committee.

A claim upon our juſtice is made on behalf of the original holders of ſecurities who have transferred them. There is a benevolent prejudice in their favor. Does the plighted faith of the country ſtand charged to pay the difference between the price their ſecuritics ſold for in the market and the nominal ſum? In order to make the affirmative appear, the worthy gentleman has ſaid, that the paper is the only evidence of a prior debt—and while the paper was ſold, the reſiduary right to the debt ſtill remained in the ſeller. Suppoſing this novel doctrine to be true, which cannot be conceded, it will not warrant any concluſion in prejudice of any purchaſer of the loan office debt. For the paper was given when the loan was made. As no prior debt exiſted, the paper is the very debt. The gentleman ought therefore to confine his motion to the army debt, as his principle ſeems inapplicable to any other. And even on liquidating the army debt, the certificate extinguiſhed the prior debt—otherwiſe the public would be twice charged—As when one man owes another on account, and gives his bond for the ballance, the account is no longer of force. By the terms of the certificate, the perſon transfering has loſt his claim againſt the public. He has freely transferred—for if violence or fraud were practiſed, the law will afford him redreſs. In ſociety, as well as in a ſtate of nature, property is changed by the conſent of the laſt occupant. He may diſpoſe of it by gift, or at half price—and give a complete title. Nor will the pretence that this transfer was free only in appearance, avail—for the motives which diſpoſed the owner to ſell cannot affect the right of the purchaſer. Every ſuch creditor riſked ſomething—either that government would not pay him at all, or not in due ſeaſon. The riſk computed in free and open market will be near right. It is a kind of inſurance againſt theſe riſks, and the inſurers and inſured will calculate the rate of inſurance better than government can do it. If there is a new riſk of government interpoſing, it ſeems that the purchaſer, who may be called the inſurer, did not rate his riſk high enough. It ſeems pretty clear, therefore, that there is no claim on the ſtipulated juſtice of the country.

Another ſort of juſtice is ſet up—a different ſort from that which we were taught in the ſchools and churches. It is called abſtract juſtice, and is ſaid to demand allowance for the loſs ſuſtained by the failure of public payments. No man reſpects more than I do the merit of the army. But the ſoldiers, at leaſt, had ſomething towards juſtice by their bounty.

Stock has ſold in England at 50 pr. cent. diſcount, and yet no retribution has been made.—Where then does this new line of juſtice begin? It can ſcarcely be denied that their claim, if they have any, is not a debt. The arguments alledged by the gentlemen are addreſſed merely to the compaſſion and generoſity of the government.—Nor do I know that there is any ground for ſaying that public opinion is in their favor. It will be allowed that if juſtice is to be done, it ſhould be impartial juſtice. Partiality would be more cruel than total neglect.—Will you refuſe to make amends for paper money, for property taken by our army in Canada, for loſſes ſuſtained during the war, for towns burned? In this laſt caſe, it is to be obſerved, that government has promiſed protection—and inability to protect it as much a debt as the caſe in queſtion. The intermediate holders who bought at 6/8, and deſpairing of government ſold out at 2/6, have an equal claim. Are all theſe to be excluded?—Let us not break contracts for half juſtice. The example of paper money is adduced to ſhew that the public made up loſſes—but this is an example of the public fulfiling it's contract—not annuling it. Paper money is a bad ſource to draw examples from.

But is it true that juſtice requires the public to pay for all the loſſes ſuſtained in times of calamity? I think not—for by fraud the government would be obliged to pay for more than was loſt. The reſources of the ſufferers will more eaſily repair ſuch loſſes than the government can make them good—and beſides, in extreme caſes, it would extend and prolong the evil. If an army ſhould invade England, and the city of London ſhould be burned, and the country laid waſte by order of the King, all Europe could not pay for it. What is juſtice—a line of public conduct which neceſſarily tends to utility. No pretence of abſtract juſtice can be valid, if it tends to evil rather than good.

But if there ſubſiſts a claim on the public juſtice, it cannot impair the debt in the hands of the preſent holder for which the public faith is pledged. It is alledged that the ſeller, who ſold for a trifle, will be taxed to pay the purchaſer. He certainly ought to fare as other citizens do. But taxes are in proportion to property. If he has property then the plea of neceſſity is deſtroyed. If he has none then his taxes will be a mere trifle.

The project is not juſtice, even to thoſe whom it pretends to relieve. If you allow leſs to the purchaſers than they gave, it is downright robbery. If you allow more, it is half way juſtice to thoſe who have ſold. I would not riſk every thing to do juſtice, as it is called, and then not do it.

But this fragment of juſtice cannot be given to ſome, without wronging others. You impair the property in the hands of the preſent original holders. It is not ſuppoſed that the alienated property is near equal to that which is ſtill in the hands of the firſt holders. Be that as it may, I believe with confidence that it would be cheaper for the preſent holders to pay the market price of the paper propoſed to be given to the former holders, than to ſuffer the ſhock which this meaſure would give to the credit of their paper. I will not enter now into the merits of the Secretary's plan, but I think it not difficult to ſhew that he propoſes better juſtice to the preſent original holders than is contained in the motion, and that the debt funded on his plan would ſell for more in the market. Great ſums have been lent to the public by truſtees who acted for others, and only lent their names. Many original creditors were not firſt holders—ſupplies were furniſhed to contractors for the army, who got credit, and afterwards paid in paper, as they received it of the public. Many towns hired ſoldiers for a groſs ſum, and agreed to take the wages—Private debts have been paid at par.—A man in embarraſſed circumſtances, inſtead of compounding with his creditors for ten or a dozen years forbearance, paid them at par, or near it, in public paper, which in that period was ſuppoſed to be as likely to be paid as his private note. No leſs a ſum than 214000 dollars were paid in this way to one mercantile houſe, at about 15s. in the pound. Compare the groſs injuſtice of theſe caſes with the pretended juſtice of the motion—conſider that it pretends to pay the purchaſer.—But loan office certificates have ſold from 15s. and 18s. in the pound to 5s. Foreign purchaſers gave more than our market price. Before they bought, they got certificates of the nature of the debt, that it was not liable to any deduction, and that the transfer would be valid. People in the firſt offices in this country and abroad ſigned them. 500000 dollars were bought for one Dutch houſe, and regiſtered, and the partners in the ſum have divided the certificates by giving their own bonds. What will be the effect? Juſtice or injuſtice? In theſe caſes, the gentleman will admit, that the rights of theſe people are perfect. The debt he ſays himſelf cannot be diminiſhed a farthing.—Property is ſacred. The right to a ſingle dollar cannot be violated. Let the gentleman then acknowledge that he muſt give up his project, or his principles.

I have endeavored to ſhew what ſort of abſtract juſtice this is. But if it ſhould be allowed that there is a claim of juſtice, what then? Let them claim juſtice of thoſe who have done them injuſtice, not of the fair purchaſer.

Let us examine the claims of the purchaſers. The gentleman's argument on this point merits attention—if it is right, for it's novelty in Congreſs—if wrong, for it's tendency. Here I think it neceſſary to apologize—not for my ſentiments—their apology muſt ſpring from their propriety—but for the manner in which I expreſs them.—My zealous conviction may ſeem to arraign the opinions of other gentlemen—whom I reſpect as I ought. I know that men of the beſt intentions entertain a favorable opinion of a diſcrimination. There is a wiſh to do more than juſtice to the one, and the heart, betrayed by it's ſympathy, conſents to injuſtice to the others. But, Sir, I cannot claim the merit of moderation on this point. I will not pretend that I doubted firſt and then decided. The principles of my education, and the habits of my life, prediſpoſed me to believe, and my ſhort experience and reading have confirmed

it, that nations cannot admit cunning into their councils without it's ſhedding a malignant influence on their affairs. Experience teaches government, as well as men, that nothing is ſafe that is wrong. We have endured tender laws, and the pitiful expedients of a trickiſh policy. Our experience has coſt us dear. The old Congreſs, however, were guided by other maxims—with little power, and ſcarce retaining the mock repreſentation of it during the whole year, they proſecuted the objects of an honeſt policy with a zeal, which repulſes and deſpair could not extinguiſh. They could ſay with FRANCIS the Iſt. after the battle of Pavia, *we have loſt all except our honor.* They reſolved againſt diſcrimination, and foreigners, as well as citizens, bought ſecurities under the public faith—But when the Conſtitution was framed, adopting the debts as valid, reſtraining ex poſt facto laws, and laws impairing contracts—who entertained any ſuſpicion? The ſpeech of the Preſident, and the reſolutions of the Houſe in favor of public credit baniſhed it. Does this look as if public opinion was hoſtile to theſe purchaſers? If it really is, it is more a duty on government to protect right when it may happen to be unpopular. That is what government is framed to do. If inſtead of protecting, it aſſumes the right of controling property, and diſpoſing of it at it's own pleaſure, and againſt the conſent of the owner, there is a cheat in the compact.

It will be admitted that there is a right veſted in the purchaſer—government cannot diminiſh it a farthing, ſays the gentleman—but he ſays we cannot pay both.—Then abide by your word of honor—prefer perfect rights by ſolemn compact to claims on your compaſſion.—The claims of the preſent holders you ſay are juſt—are the others more than juſt? Treat all juſt claims alike, and do not rob on the high way to exerciſe charity—why make one creditor pay another? He ſays, government is to get nothing by this—and yet he ſays, we owe theſe people, and our creditors ſhall pay them. Is paying a debt getting nothing? He talks of rival claims; there is no rivalry—the ſellers agreed that there ſhould be none.—If government is bankrupt, compound with your creditors—will this act of violence conſole the ſufferers? Will they enjoy, as a favor, the violation of the rights for which they fought? The South Sea and Miſſiſſippi ſchemes have been adduced as examples—In the former, government interpoſed to fulfil the contract; the Miſſiſſippi is not parrallel—what the gentleman calls public juſtice, I am ſure he would not practice in his own caſe.

I have choſen to conſider the principle of the motion—but it cannot be carried into execution—we have ſeen that juſtice in the abſtract will not be done, nor can the meaſure propoſed be effected; we may very properly ſuppoſe that innumerable difficulties will ariſe in practice which cannot be foreſeen—but ſo many appear as ought to deter us.—The detail will be endleſs—an account muſt be opened for each claimant, public offices muſt be opened, officers multiplied, and great expence incurred—there is no clue by the records to the caſes of money depoſited by agents for other people—I have enquired and am told that it is not poſſible. Will you admit oral evidence—and of perſons intereſted—will you fill the land with diſcontent, corruption, ſuits and perjury? The new paper, if not transferable, will be no great relief—if transferable, there will be a new harveſt of ſpeculation—the after crop will be more abundant than the firſt cutting.—A purchaſer keeps his note for 20s. By law, you make it a note for 10s. How many frauds will be practiſed on the unwary? If the mind balances on theſe points let policy turn the ſcale.

Will not this meaſure ſhake government? Inſtead of doing as it has promiſed, government is to do as it pleaſes.—Right is to depend, not on compact, and ſacred faith, and the conſtitution, but on opinion, on a major vote, where nothing, not even right, is fixed, will not the government be liable to perpetual commotion?

How will it affect our national character? How will it effect public credit? We ſhall have to pay for medling, if we in future ſhould have any credit. The famous Colonel Chartres ſaid, he would give one hundred thouſand pounds for a character—not for its own ſake, but becauſe he could get two hundred thouſand by it—Henry VIII borrowed money on his perſonal ſecurity, and his baſe parliament voted that as he had done great things for the realm and church, he ſhould be diſcharged from thoſe obligations. Charles the ſecond ſhut up the exchequer—What was the conſequence? King William paid 14 per cent. on annuities, and at the rate of 10 and 12 per cent. intereſt—but by good faith, in 5 or 6 years, money ſell to 5 per cent. intereſt.—By breach of faith, we vote the government into a ſtate of pupilage, and deprive it of its powers.

I have thus endeavored to ſhew that there is not a *debt* ſubſiſting againſt the public in favor of the original holders, who have ſold out—that the motion is chargeable with partiality—and is inadequate to its pretended objects—that it will do injuſtice to many, and violate the ſacred rights of property—that the purchaſers are ſecured by the contract, by the faith of government and by the conſtitution—that the meaſure is not practicable, and will produce confuſion, corruption and expence, and that it will weaken, diſturb and diſgrace the government and impair its credit.

I have made this recapitulation of my argument in order to bring it into one view—if it is juſt, or only plauſible, let us aſk what will be the effect? Is this what was expected under the new conſtitution? Did we expect it? Is there one here who has not told the people that an end would be put to tender acts and paper money, and the ruinous effects of government's interpoſing in contracts? Who, in or out of Congreſs, did not ſuppoſe that the letter and ſpirit of the conſtitution ſaid as much? The ſpirit of the times ſaid more.—Will not the people charge us with violating the conſtitution and the rights of property? If we plead neceſſity, they will demand, how came it that we were ignorant of it, and, if it exiſts, what is there that breach of faith can ſave, that good faith would loſe? or what will that be worth which may be ſecured by a meaſure that will tarniſh our national honor, and tranſmit to our children an inheritance of reproach? Is there no refuge but in diſhonor? We have borne adverſity before, and we had rather ſubmit to the worſt events of an honeſt policy—and this project is not to relieve any burdens, for government is to rob, not for plunder, but to get the reputation of juſtice.

If our own citizens ſay thus, what will foreigners ſay? They will not be reſtrained, either by the opinion of their fellow countrymen, or by attachment to our proſperity. They will detail their loſſes, and the arts by which their confidence was gained—they will think that we have been taught a ſpecies of immoral philoſophy—that we adminiſter government by a kind of cunning logic which confounds right and wrong—they will rejoice that the Mahrattas and Americans are at a diſtance; the ocean has not hitherto proved a barrier againſt our depredations.—An American abroad will be obliged to deny his country.

However, I ſtill believe that juſtice is a law to Congreſs—but if juſtice and public faith and honor have ceaſed to be things, let them ceaſe to be names—let them be blotted from the vocabulary of our nation. If they have no being, why ſhould they be made uſe of to conjure up church yard terrors, to haunt the hypochondriac imagination?

I will not be ſo uncandid as to charge the worthy gentleman with ſuch intentions. I think ſo highly of his probity and patriotiſm, that if he can be made to ſee that theſe conſequences will follow, or only be apprehended, he will give up his ſcheme: but if government has this right, what right of private property is ſafe? In the Eaſt, government is ſaid to be the ſole owner of property and may reſume it at pleaſure.—This abſurd doctrine will not find advocates—for it would not do for practice even where it may not be denied to be true, human nature revolts againſt it—It would ſhock the morality of Botany Bay, it would exaſperate, beyond ſufferance, the patient ſlavery of Indoſtan—and who can give good reaſon why one ſort of property ſhould be more ſacred than another?

If we purſue another kind of policy, ſuch as the preamble to the conſtitution declares to be the objects of the government; this government and this country may expect a more than Roman fortune.—The government may have more credit, the people more knowledge, and the bleſſings of peace a longer duration than the world has ever experienced. That gentleman helped to frame the conſtitution—I have no doubt it is the better for his eminent abilities—I hope that his love of his own work and his zeal for the cauſe which he has ſo ably ſupported, will induce him to abandon a meaſure, which tends ſo fatally to diſappoint the firſt wiſhes of his own heart, and the hopes of his country.

WEDNESDAY, FEB. 17.

The bill for a uniform rule of naturalization, was read a ſecond time and referred to a committe of the whole on Tueſday next.

The bill to encourage the uſeful arts was alſo read a ſecond time, and referred to a committee of the whole on Wedneſday next.

Several petitions were read from perſons praying compenſation for ſervices.

Alſo a petition from John Ingraham, praying relief againſt the ſeizure of his veſſel and cargo made in the port of New-York, he being ignorant of the laws relative thereto.

On motion of Mr. Sedgwick, the petition of Lucas Lincoln was read a ſecond time, and referred to the Secretary at War.

Mr. Sedgwick preſented the petition of Jehoika Thompſon, one of the Oneida Indians, ſetting forth that he had ſerved under General Sullivan in the weſtern country, guided him in his marches, and fought by his ſide; that he had received a certificate for his ſervices, but on his way homeward he was obliged to croſs rivers, whereby he wet his pack, and loſt the ſaid certificate; praying, that as he believed Congreſs to be very wiſe and juſt, they would grant him an order on their money keeper, &c.

The order of the day was then called for: Mr. Madiſon's motion for a diſcrimination being under conſideration—

Mr. Page advocated the motion; and Mr. Boudinot oppoſed it, in a ſpeech of two hours and a half. The committee then roſe, and the Houſe adjourned.

THURSDAY, FEB. 18.

On motion of Mr. Goodhue, the petition of Hannah Treat was read the ſecond time, and referred to the Secretary at War.

The petition of Jehoika Thompſon, was read the ſecond time and referred to a committee conſiſting of Mr. Sedgwick, Mr. Van Ranſellaer and Mr. Moore.

In committee of the whole on the Report of the Secretary of the Treaſury; Mr. Madiſon's motion for a diſcrimination under conſideration—A number of ſpeakers *pro* and *con* this day—which terminated without any deciſion.

FRIDAY, FEB. 19.

A meſſage from the Senate was received by their Secretary, with the bill providing for the enumeration of the inhabitants of the United States—returned with ſundry amendments.

In committee of the whole on the report of the Secretary of the Treaſury—Mr. Madiſon's motion for diſcrimination under conſideration.—Mr. Scot and Mr. Seney ſpake in favor of the propoſition—Mr. Livermore, Mr. Gerry, Mr. Bland and Mr. Burke againſt it—the diſcuſſion of the ſubject was continued till near the moment of adjournment—the committe roſe without coming to a vote—and are to reſume the buſineſs on Monday next.

A letter was read from the commiſſioners for ſettling accounts between the United States and individual States, reſpecting the diminiſhed rate at which the Clerks were employed in this buſineſs are paid---compared with the ſalaries in the other offices, and requeſting the interpoſition of Congreſs---that they may be placed on an equality.

The reſolution of the Senate for appointing three commiſſioners purſuant to the memorial of Hon. Robert Morris, late ſuperintendant of finance, was read—

After ſome debate whether it ſhould be referred to a ſelect committee, it was ordered, that it lie on the table.

Adjourned till Monday 11 o'clock.

ERRATUM.—In Mr. Sedgwick's Speech in our laſt, 5th paragraph from the top, for "latter ſpecies" read former ſpecies.

FOR THE GAZETTE OF THE UNITED STATES.

THE Legiſlature of every State have authority to act in a three-fold capacity.

1. They have authority to make laws for the good government of the people of the State, and to alter or repeal them as they may think fit.

2. They have authority as agents for the State, to grant or transfer public property in behalf of the State; and to make contracts binding on the State; but they have no authority to revoke, impair or alter any ſuch grant or contract fairly made and obtained, without the conſent of the other party.

3. When any queſtion ſhall come before them reſpecting the conſtruction or fulfilment of ſuch contracts, they have authority to decide thereon in a judicial capacity: and are in duty bound to be governed in their judgement by the ſame principles as a court of law or equity, as the nature of the caſe may require; nor are the individuals compoſing the legiſlature, any more intereſted in ſuch deciſion, than the judges of the courts of law. When a State or the United States are plaintiffs in a cauſe againſt an individual, the caſe is to be decided by a court of law; but when an individual has a demand againſt a State or againſt the United States, the claimant could not have an adequate remedy in the ordinary courts of law or equity, becauſe their judgment could not be executed againſt a State or againſt the United States; therefore when no proviſion is made by law for the liquidation or ſatisfaction of ſuch claims, the claimant has no remedy but by a petition of RIGHT to the legiſlature; and ſuch caſes often occur. The duty of the legiſlature in ſuch caſes is more fully pointed out and inculcated in the following extract from an election ſermon delivered before the Legiſlature of the State of Connecticut, in May, 1787, viz:

"REMEMBER, Gentlemen, that while you are examining the rights of individuals, and their claims on one another, or on the public, you drop the character of legiſlators, and ſhould act by the ſame fixed rules of law and equity, as the judge on the bench. In cauſes of a judicial kind, your high character of ſovereignty will not excuſe an arbitary deciſion, or denial of juſtice, any more than the ſame may be excuſed in the loweſt executive court.

"In granting favours, you are only to conſider, whether they are equitable and conſiſtent with the good of the community; but in doing juſtice you have no ſovereign diſcretion. No wiſe man thinks his life and eſtate ſafe in the hand of a tyrant, bound by no reſtraint of law; Excuſe me, gentlemen, when I add, that the diſcretion of a popular aſſembly, acting by no fixed and known rules of equity, is a different expreſſion, but the ſame in effect, as the will of a deſpot. Sovereign power ſhould never be perverted to acts of unrighteouſneſs: Let not therefore the notion of omnipotence, and of being above controul, inſenſibly inſinuate itſelf into your deliberations, and lead to a different determination, from what you would give in a different character. With deference to your high ſtations, I am warranted with all boldneſs to aſſure you, in the fear of God the Almighty and Eternal Judge, that the conſideration of not being accountable to an higher court on earth, ſhould be one of the moſt forcible motives, to engage you to the greateſt uprightneſs and impartiality, not only between ſubject and ſubject, but eſpecially between the ſubject and the public. Remember that as there is in this world an appeal from a lower to a higher court, ſo when the moſt ſovereign and uncontroulable court on earth gives an unrighteous ſentence and wickedly perverts judgment, there is immediately entered in the high court of Heaven an appeal, which in the great day of general aſſize, will be called, and muſt be anſwered. Then you, my honorable auditors, and all the kings and judges of the earth ſhall appear, and give an account of your conduct while you acted in the character of Gods on earth."

NEW-YORK, FEBRUARY 20.

Yeſterday arrived here in 10 weeks from Plymouth, England, a Sloop of War, with diſpatches for Lord Dorcheſter, and Sir John Temple.

Extract of a letter from Boſton, February 3.

"I thank you for the Secretary's Report. I like it—and believe the Houſe won't mend it—therefore wiſh it may be adopted; at leaſt, that Congreſs may not make any alterations, but ſuch as the Secretary ſhall approve—that he may *feel* his reſponſibility, and exert himſelf accordingly. I like a HEAD to every department, and that every *head* ſhould have ample powers, and be *reſponſible*. Such a ſyſtem of government will at once be EFFICIENT AND FREE.——You will ſee by our papers the influence of certain volatile and giddy characters—their inconſiſtency and folly keep the ignorant members gaping, and waſte the time of the Court, which ought to be employed in important buſineſs. Such conduct ſerves to evince the importance and neceſſity of the General Government. How wretched would be our ſituation without it.

☞ "THE REPUBLICAN, *No.* 3," "NECKAR," *and a* "POETICAL ESSAY" *are received.*

To be LET,

And poſſeſſion given the 1ſt of April, for one or more years, (two miles and half from this city, on the Greenwich road,)

THAT New TWO STORY HOUSE—four Rooms on a floor; with ſix fire places; a new Barn, and Well of excellent Water; a young Orchard of Fruit Trees, with 7½ acres of Land, the moſt part Meadow. For particulars enquire at No. 7, Maiden-Lane. *New-York, February 20.*

FOR THE GAZETTE OF THE UNITED STATES.

LETTER.——No. I.

SIR,

I HAVE seen in the papers accounts of large Associations, and applications to government for the abolition of slavery. Religion, humanity, and the generosity natural to a free people, are the noble principles which dictate these measures. Such motives command respect, and are above any elogium words can bestow.

Altho I fully applaud, and join in the wish to see slavery abolished, I must however confess, that what I have collected, on the means for obtaining the end, out of those channels has given me no satisfaction.

The subject is in my opinion, of higher moment than has been represented: Slavery is not only contrary to the feelings of freemen, but to the principles of a free government; it not only viciates it, but it must also be considered, that in America the evil is a deep-rooted and daily increasing one; that to effect a cure, palliatives are dangerous, and no more applicable to it, then they are in the mortification of gangrenated bodies; that to heal this political and moral evil, and to do strict justice on all sides, is a difficult task: For which reason, I presume, that this matter must only be considered, and even decided, on the ground of philosophical and political argument. On this very scale I shall try to state the nature of the question, and the measures for a radical cure of the evil.

Agreeable to the order mentioned, I shall take up the subject; first on philosophical ground. Innumerable are the beings on the globe, yet the eternal wisdom has classed them all, gradually descending from animated to inanimated nature; distinguishable differences of form, size, strength, weakness, ferocity, mildness, sensibility, inerty, inanimation, are existent. Those differences have been proved by philosophical enquiry, to proceed by gentle tints and shadows, till observation on those subjects is set at nought.

No less wonderful is a something similar order in the vegetable and mineral kingdoms: In those we find also, well divided classes, graduated, connected, yet all marked out in different characters; such instances are numerous, but beyond my strength to investigate, and beyond the limits of this paper; however, in order to throw light on the ideas I have communicated, I will select, and consider at large, a few examples out of the animal kingdom.

From the elephant to the smallest insect, visible to the eye by a microscope only, what a graduation of sizes, of animals, does there stand between those two extremes; strength, sagacity, and temper, are objects no less gradually diminishing, and form distinct characters, between individuals of the great sum of animated beings.

An other graduation is remarkable; nature goes not from one species of animals abruptly to the next; there are beings who separate one sort from the other, and partake in their form, and habit, something of both; those I call intermediate beings.

Examples of this description are plentiful; for instance amphibious; of these, the sea-lion, the sea-cow, the sea-horse, the sea-dog, the beaver, the otter, &c. partake at once of the nature of fish, and of some land animal they have resemblance to. Only one more of these I beg leave to mention: on the Cape of Good Hope, a duck, at once fish and fowl, is often met with, the form is that of a common wild duck, but the wings are constructed like the fins of a fish; those ducks fly horizontally over the water to hunt the fish swifter in swimming than they are; but their power of flying is over as soon as their wings become dry; they lay their eggs in cliffs on shore, and there breed their young ones; this I presume is one of the intermediate beings, between fowl and fish.

In several species of animals, altho likeness is apparently great, how different is their nature: This we will exemplify by the lion, and a large dog, of which there is in Asia a species of a kind and shape, almost next to the lion, called the lion-dog: Ancient history records that such an one was given to Alexander, King of Macedonia; this needs no further description, for even to this day the breed is not extinct; the Mogul, and other Asiatic Princes, hunt the lion still with them; a single one, armed with a steel collar, and breast harness, fights on equal chance, and two of these vanquish the lion easily. The bull-dog, and the wolf with the short muzzle, the small spannel with the fox, the domestic cat with the tyger, have all striking resemblances, but how different are they in character, habit and temper.

Among animals avowed to be of the same kind, the differences are no less perfectly ascertained. This field is as extensive as the former: It would tire the attention to walk thro all the images it is able to furnish; hence I shall keep within short bounds of the most common objects. From the beforementioned Asiatic lion-dog, to the little long-haired delicate Spanish dog, which lies snarling in the lap of a lady, or cowardly barks out of a basket, lined with cotton, what a difference of character, strength &c. and how many sizes, and species, stand between these two dogs. The noble Arabian horse, the swift tartarian, the barb, the English hunter, the heavy and large ostfries and the dwarf Norwegian horse, are all horses, yet how differently are they marked out.

In the human species, differences are no less striking and absolute. The Patagonian giants, the dwarfs of Laponia, the elegantly proportioned figure, and beautiful color of our ladies, and of some European nations; the Chinese; the copper-colored men; the blacks with long hair; the white negro with red spots and white hair, called kakerlak *by the Dutch; the African, and southern Papoe negro, with short woolly hair, are all of the specie called mankind, but how greatly do they differ, not alone in color and figure, but also in original character.*

Plinius gives a description of men, living in the interior parts of Africa; they have ears standing upwards, like horses' ears, their mouth is a long shaped wolfs muzzle, and they have nails like a bear, standing stiff at the end of their fingers. This kind of men carried on bloody wars against the Ethiopians, and were finally rendered tributary by the latter: they have been seen, in the armies of the Ethiopians, in their wars with the Egyptians, and Romans. When I travelled in the Asiatic southern Hemisphere, a Prince, soverign of one of those islands, gave me a description of the same kind of men, living in some islands next to him: This Prince was a stranger to Plinius's account, and the unprovoked narrative, and perfect resemblance of his description was the first confirmation I obtained that Plinius had told no tale; but I have since, in Europe, seen a female of that monstrous specie, brought from Africa to Marseilles. This creature was thought to be of the monkey kind, but her knees confirmed me in the belief, that she was of the intermediate beings, by which nature goes from one specie to another, and probably those creatures stand between mankind and the monkey specie: The knees of this female flood forwards, like those of men, but in general all quadrupedes have the knees of their hind legs standing backwards: She answered also the description given by Plinius, and by the Asiatic Prince.

From this perusal, little doubt can remain that all those quoted distinctions are explanatory proofs of the immutable order of the universe, instituted by the infinite wisdom of the Almighty: Can human law change the system, or by intermixing species, overthrow the fixed order of nature, and improve the original? Is it in the power of men, to make out of a cur a bull dog; out of a Norwegian dwarf-horse, a noble Arabian; out of the voracious wolf, a companionable Newfoundland dog; out of the wild musk-bull, a domestic ox, to till his ground; out of the Laponian dwarf, a Patagonian giant? If this can be done, then he can also make out of the sheep-hairy African negroe, a spirited, noble, and generous American Freeman!

My next letter I shall make shorter; the length of this I could not well avoid. RUSTICUS.

PARISIAN INTELLIGENCE.

PARIS, Nov. 26. *Frosty Nights.*

M. DUPONT, a Member of the National Assembly, is a great advocate for the Caisse d'Escompte. He pretends that it never stopped payment; on the contrary, he affirms, with confidence, that it daily pays now between three and four hundred thousand livres, and refuses no bills or notes. He farther remarks, that the Bank of England, so renowned for its exactness, when the Pretender was in Scotland did not cease payment, it is true; but discharged its notes in shilling and sixpenny pieces; which operation went on so slowly in the payments, that not a thousand pounds sterling were paid in a day. And yet, says M. Dupont, it was never asserted, that the Bank of England had become bankrupt. The said member insists, that the nation ought in justice and gratitude, either pay what she owes to the Caisse, or aggregate it to the National Bank, according to M. Necker's plan.

A new plan of a National bank has been proposed by a M. Cabains; it is very concise, and in all probability will be adopted. It excludes the Caisse d'Escompte, which will be reimbursed.

A very generous present was sent to the National Assembly by the Nuns of Maubeuge. They are sorry, they say, in the letter that accompanies the gift, that it is not in their power to send any plate (they gave it all to Louis XV) to encrease the specie; but, to make amends, they offer to the nation an annual income of 147,000 livres (6125l.) The national Assembly received it with demonstrations of gratitude and joy.

There is a scheme of melting the bells of all the churches. They may be of some service.

Since the Members of the National Assembly gave their buckles, no silver ones are to be seen in the streets. It is true, that the apprehension of being stopped by some daring fellows, who, under pretence of serving their country, strip you of whatever visible silver or gold they can find on you, does not a little contribute to render almost every individual generous. I have sent mine, and my sister her gold ear-rings, and thimble to the Mint.

Yesterday, as it was reported, was the day appointed by the Aristocratic party to produce a counter-revolution. All the districts were under arms from midnight till ten o'clock in the morning. Thank God, it was a false alarm; and I do not imagine we shall experience another shock within this year. The national Assembly begins to acquire a consistency, and the provinces in general seem satisfied, and adopt all the articles passed at the National Assembly with seeming satisfaction. His Majesty remains in *statu quo*, and there is no probability of his hunting this autumn.

The Duke of Bourbon and his son have left Turin.

NATIONAL ASSEMBLY.

Thursday, Nov. 19.

We have already mentioned the Articles of the Constitution decreed this day.

A Report was read from the Committee of War, the beginning of which deserves to be noticed. "*Although it be neither the interest of France, nor the wish of Frenchmen to make conquests*, we must nevertheless have an army always on foot, and ready for action, to resist the attacks of powerful and armed neighbours, &c."

To keep up such an army, two methods are proposed. First, Personal service by every Frenchman, without distinction, for four years, at least once in his life; allowing such only as are incapable of personal service to find substitutes. Second, Volunteers willing to serve for pay, to open a field for those whose inclination may lead them to the profession of arms. No man, after serving once, to be ordered out a second time, but by his own consent; and in case of war, bachelors, to take the field before married men.

This report was ordered to be printed.

[The business of Friday is related in the former part of this letter.]

Saturday, Nov. 21.

The Canons of St. Genevieve having offered to present their magnificent library to the city of Paris, it was this day proposed to ratify the gift; but the Assembly declined giving any opinion on the subject.

The Baron de Comere, who has long been employed on calculations of finance, presented a plan, which he requested leave to read at the bar. This could not be granted; but the plan was referred to the Committee of Finance, with an instruction to take it into immediate consideration.

Wednesday, Nov. 25.

The following articles of Constitution were decreed:

"The present municipalities of all cities, towns, parishes, or communities, under whatever title or qualification, are suppressed and abolished; and, in the mean time, Magistrates now in office shall continue their functions, till others be appointed in their room.

On a petition from the City of Metz, setting forth that the Parliament, by a new arret, had acknowledged that liberty and union surrounded the King and National Assembly, and professing their sincere repentance for the error into which report had led them, the Assembly decreed, that the attendance of the Members of that Parliament at the bar should be dispensed with; and the petition from the City in their behalf printed in the minutes.

A discussion took place on the necessity of defining, in clear and precise terms, the crime of treason against the State; but as this will make part of the labours of the Committee of Constitution, the matter was referred to that Committee.

The first part of the pension list, containing twenty four quarto pages, is published. The plan of the work, is to divide the whole into seven parts; the first to contain, in alphabetical order, the names of all those who enjoy pensions of 20,000 livres and upwards, with the age of the pensioner, the date of the pension, and the reasons for which it was given; the second, from 8,000 livres to 20,000; the third, from 2,400 to 8000; and so on.

The result of the first part, which is said to be very incorrect, is that eighty-six persons share among them annually 2,895,623 livres. Of these ten are Ladies; fifteen superanuated, or discharged Ministers; twenty six-persons, whose services were never heard of; five whom the nation would recompence more liberally, and thirty, for whose zeal and talents ten thousand livres would be a liberal reward. The reasons most commonly assigned for granting these pensions are, to make good a pension no longer paid by some foreign Prince, or to reward political services.

Marshal Broglio enjoys four several pensions, making together 70,000 livres.

Thursday, Nov. 26.

The sitting in the morning of this day was remarkable for the extraordinary progress made in the organization of the primary and intermediate Assemblies

A Deputy from Guadaloupe proposed, in the name of the West India Deputies, to appoint a Committee of planters and merchants to receive and examine all plans of Constitution for the Colonies; to which, he observed, the principles of Constitution for the Continent where not properly applicable. The consideration of this proposition was postponed.

A decree was passed, forbidding all persons holding or exercising public offices to receive any present or gratification of any kind or nature, on pain of being punished as guilty of extortion; and it was ordered to be presented immediately for the Royal sanction.

The consideration of M. Necker's plan for a National Bank was resumed.

The prevailing opinion seemed to be, that the general state of the finances is not yet sufficiently investigated to enable men to judge of the advantages or disadvantages of such a plan.

The Assembly ordered the Committee of Finance, in concert with the first Minister, to draw up a detailed account of the demands that require ninety millions over and above the actual revenue for the year 1790, with an estimate of ways and means for raising that sum; and adjourned the further discussion till Saturday.

The Bishop of Treguier has published a second mandate, in which he retracts all that he said in his former against the revolution and the proceedings of the National Assembly. In consequence of this recantation, the same indulgence has been solicited for him that was granted to the parliament of Rouen and Metz, but hitherto without effect.

Saturday, Nov. 28.

M. Guillotin called the attention of the Assembly to some amendments which he conceived highly necessary to be added to the provisional reform of criminal jurisprudence. These were the same penalties for criminals of all ranks and conditions; the same punishment for all capital offences; a decapitation by a machine constructed for the purpose, instead of an executioner: and the proscription of the absurd prejudice which extends the infamy of a criminal to his family. It was agreed to consider them on Tuesay next.

A report was read from the Committee of Finance, containing the state of the public treasury on the first of November, and an estimate of the probable receipt from that time to the end of the present year, which including the plate carried to the Mint, and the subscriptions to the loan of eighty millions, did not exceed forty millions of livres.

LONDON, Dec. 3.

The affairs of Europe never wore so singular and even whimsical an aspect as at present:

The Head of the House of Austria oppressing the Catholic Church; and the Catholic Church offering the riches of the Sacred Temples at the shrine of Liberty! The Patriots of Holland Refugees in Brabant, and the Patriots of Brabant Refugees in Holland! Prussia the restraint of Dutch, and the hope of Flemish freedom! The great Protestant Alliance of England, Prussia, and Holland, considered as the shield of the most zealous Catholics in the world.

The campaign is now intirely finished in the North. The Swedish fleet is returned to Charlscroon, and the Russian to Revel. The troops too, of both the powers, in Finland, are put into winter quartes.

A very extraordinary circumstance occurred on Wednesday night, at the entrance of Covent-Garden Theatre. A gentleman, who made an unsuccessful attempt to gain admission, was returning home, and on putting his hand into his pocket for his handkerchief, discovered a purse with eight guineas and some silver. This must have happened through the mistake of one of the light fingered gentry, who, in the pressure of the croud, mistook the gentleman's pocket for his own.